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| APPLICATION NO.                                                             | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/719,056                                                                  | 02/12/2001  | Yoshihito Ishibashi  | 450108-02448        | 3732             |
| 20999                                                                       | 7590        | 06/23/2004           | EXAMINER            |                  |
| FROMMER LAWRENCE & HAUG<br>745 FIFTH AVENUE- 10TH FL.<br>NEW YORK, NY 10151 |             |                      | BAYAT, BRADLEY B    |                  |
|                                                                             |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                             |             |                      | 3621                |                  |

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/719,056

Applicant(s)

ISHIBASHI ET AL.

Examiner

Bradley Bayat

Art Unit

3621

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 0201.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                      |                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                          | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6</u> | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

Claims 1-15 are presented for examination on the merits.

#### ***Specification***

The title of the invention is not descriptive, but rather broad in the field. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Abstract***

The abstract of the disclosure is objected to because it is not a concise statement of the technical disclosure of the patent. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al., U.S. Patent 6,226,618 B1.**

As per the following claims, Downs et al. discloses:

1. An information processing apparatus which is connected to other information processing apparatuses and which purchases rights to decrypt and use encrypted information, characterized by comprising: first preparation means for preparing first usage control status which identifies first usage details describing purchased rights and the pricing details corresponding to said first usage details (column 19, lines 38-column 20, line 41); storage means for storing said encrypted information, said first usage control status, a usage control policy that contains a second use type that describes the rights that can be purchased again based on the details of said purchased rights, price tags that contain the pricing details corresponding to said second usage details, and the key needed to decrypt said encrypted information (columns 21-24); second preparation means for preparing second usage control status that identifies said second usage details and said pricing details corresponding to said second usage details, based on said usage control policy and said price tags, when rights are purchased again through said other information processing apparatuses; and sending means for sending said second usage control status prepared by said second preparation means as well as said encrypted information and said key stored on said storage means to said other information processing apparatuses (figures 1A-D and associated text).
2. The information processing apparatus according to claim 1, characterized by further comprising first execution means for executing a process to utilize said information, based on said second usage control status prepared by said second preparation means (figure 6 and associated text).
3. The information processing apparatus according to claim 1, characterized by further comprising: third preparation means for preparing accounting information that corresponds to said first usage control status and second usage control status; and second execution means for

executing an account settlement process to settle the amounts posted based on said accounting information prepared by said third preparation means (columns 47, 59).

4. An information processing method for an information processing apparatus which is connected to other information processing apparatuses and which purchases rights to decrypt and use encrypted information, characterized by comprising: a first preparation step of preparing first usage control status which identifies first usage details describing purchased rights and the pricing details corresponding to said first usage details; a storage step of storing said encrypted information, said first usage control status, a usage control policy that contains a second use type that describes the rights that can be purchased again based on said purchased rights, price tags that contain the pricing details corresponding to said second usage details, and the key needed to decrypt said encrypted information; a second preparation step of preparing second usage control status that identifies said second usage details and said pricing details corresponding to said second usage details, based on said usage control policy and said price tags, when rights are purchased again through said other information processing apparatuses; and a sending step of sending said second usage control status prepared by said second preparation step as well as said encrypted information and said key stored by said storage step to said other information processing apparatuses (column 19, lines 38-column 20, line 41; columns 21-24; figures 1A-D and associated text).

5. A providing medium, which provides a computer-readable program for executing a process to an information processing apparatus which is connected to other information processing apparatuses and which purchases rights to decrypt and use encrypted information, characterized in that the process comprises: a first preparation step of preparing first usage control status which identifies first usage details describing purchased rights and the pricing details

corresponding to said first usage details; a storage step of storing said encrypted information, said first usage control status, a usage control policy that contains a second use type that describes the rights that can be purchased again based on the details of said purchased rights, price tags that contain the pricing details corresponding to said second usage details, and the key needed to decrypt said encrypted information; a second preparation step of preparing second usage control status that identifies said second usage details and said pricing details corresponding to said second usage details, based on said usage control policy and said price tags, when rights are purchased again through said other information processing apparatuses; and a sending step of sending said second usage control status prepared by said second preparation step as well as said encrypted information and said key stored by said storage step to said other information processing apparatuses (column 19, lines 38-column 20, line 41; columns 21-24; figures 1A-D and associated text).

6. An information processing apparatus, which is connected to other information processing apparatuses and which purchases rights to decrypt and use encrypted information, characterized by comprising: receiving means for receiving, from said other information processing apparatuses, said encrypted information, the key needed to decrypt said encrypted information, and the usage control status which identifies said usage details describing said rights as well as the pricing details corresponding to said usage details; and execution means for executing the processes needed to use said information based on said rights described by said usage details identified by said usage control status (figures 9-11 and associated text).

7. An information processing method for an information processing apparatus which is connected to other information processing apparatuses and which purchases rights to decrypt and use encrypted information, characterized by comprising: a receiving step of receiving, from said

other information processing apparatuses, said encrypted information, the key needed to decrypt said encrypted information, and the usage control status which identifies said usage details describing said rights as well as the pricing details corresponding to said usage details; and an execution step of executing the processes needed to use said information based on said rights described by said usage details identified by said usage control status (figures 9-11 and associated text).

8. A providing medium, which provides a computer-readable program for executing a process to an information processing apparatus which is connected to other information processing apparatuses and which purchases rights to decrypt and use encrypted information, characterized in that the process comprises: a receiving step of receiving, from said other information processing apparatuses, said encrypted information, the key needed to decrypt said encrypted information, and the usage control status which identifies said usage details describing said rights as well as the pricing details corresponding to said usage details; and an execution step of executing the processes needed to use said information based on said rights described by said usage details identified by said usage control status (columns 19-23).

9. An information processing apparatus, which is connected to other information processing apparatuses and which purchases rights to decrypt and use encrypted information, characterized by comprising: storage means for storing said encrypted information, a usage control policy that contains the usage details that describe purchasable rights, price tags that contain the pricing details corresponding to said usage details, and the key needed to decrypt said encrypted information; preparation means for preparing usage control status which identifies said usage details and the pricing details corresponding to said usage details, based on said usage control policy and said price tags stored on said storage means; and sending means for sending said

usage control status prepared by said preparation means as well as said encrypted information and said key stored on said storage means to said other information processing apparatuses when the rights are purchased again by said other information processing apparatuses (column 47, line 26 – column 49, line 10; figures 3-6 and associated text).

10. An information processing method for an information processing apparatus which is connected to other information processing apparatuses and which purchases rights to decrypt and use encrypted information, characterized by comprising: a storage step of storing said encrypted information, a usage control policy that contains the usage details that describe purchasable rights, price tags that contain the pricing details corresponding to said usage details, and the key needed to decrypt said encrypted information; a preparation step of preparing usage control status which identifies said usage details and the pricing details corresponding to said usage details, based on said usage control policy and said price tags stored on said storage step; and a sending step of sending said usage control status prepared by said preparation step as well as said encrypted information and said key stored on said storage step to said other information processing apparatuses when the rights are purchased again by said other information processing apparatuses (column 47, line 26 – column 49, line 10; figures 3-6 and associated text).

11. A providing medium, which provides a computer-readable program for executing a process to an information processing apparatus which is connected to other information processing apparatuses and which purchases rights to decrypt and use encrypted information, characterized in that the process comprises: a storage step of storing said encrypted information, a usage control policy that contains the usage details that describe purchasable rights, price tags that contain the pricing details corresponding to said usage details, and the key needed to decrypt said encrypted information; a preparation step of preparing usage control status which identifies said



usage details and the pricing details corresponding to said usage details, based on said usage control policy and said price tags stored on said storage step; and a sending step of sending said usage control status prepared by said preparation step as well as said encrypted information and said key stored on said storage step to said other information processing apparatuses when the rights are purchased again by said other information processing apparatuses (column 47, line 26 – column 49, line 10; figures 3-6 and associated text).

12. An information processing apparatus, which is connected to other information processing apparatuses and which purchases rights to decrypt and use encrypted information, characterized by comprising: receiving means for receiving, from said other information processing apparatuses, said encrypted information, the key needed to decrypt said encrypted information, and the usage control status which identifies the first use type describing predetermined rights and the pricing details corresponding to said first use type; storage means for storing a usage control policy that contains the second usage details that describe the rights that can be purchased again based on said rights described by said first usage details identified by said usage control status received by said receiving means, and price tags that contain the pricing details corresponding to said second usage details; and first preparation means for preparing second usage control status which identifies said second usage details and the pricing details corresponding to said second usage details, based on said usage control policy and said price tags stored by said storage means (figure 9 and associated text).

13. The information processing apparatus according to claim 12, characterized by further comprising: second preparation means for preparing accounting information that corresponds to said second usage control status prepared by said first preparation means; and execution means for

executing an account settlement process to settle the amounts posted based on said accounting information prepared by said second preparation means (columns 47, 59).

14. An information processing method for an information processing apparatus which is connected to other information processing apparatuses and which purchases rights to decrypt and use encrypted information, characterized by comprising: a receiving step of receiving, from said other information processing apparatuses, said encrypted information, the key needed to decrypt said encrypted information, and the usage control status which identifies the first use type describing predetermined rights and the pricing details corresponding to said first use type; a storage step of storing a usage control policy that contains the second usage details that describe the rights that can be purchased again based on said rights described by said first usage details identified by said usage control status received by said receiving step, and price tags that contain the pricing details corresponding to said second usage details; and a first preparation step of preparing second usage control status which identifies said second usage details and the pricing details corresponding to said second usage details, based on said usage control policy and said price tags stored by said storage step (figure 9 and associated text).

15. A providing medium, which provides a computer-readable program for executing a process to an information processing apparatus which is connected to other information processing apparatuses and which purchases rights to decrypt and use encrypted information, characterized in that the process comprises: a receiving step of receiving, from said other information processing apparatuses, said encrypted information, the key needed to decrypt said encrypted information, and the usage control status which identifies the first use type describing predetermined rights and the pricing details corresponding to said first use type;

a storage step of storing a usage control policy that contains the second usage details that describe the rights that can be purchased again based on said rights described by said first usage details identified by said usage control status received by said receiving step, and price tags that contain the pricing details corresponding to said second usage details; and a first preparation step of preparing second usage control status which identifies said second usage details and the pricing details corresponding to said second usage details, based on said usage control policy and said price tags stored by said storage step (figure 9 and associated text).

*Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Patent No. 6,611,812 B2 to Hurtado et al.
- Patent No. 5,892,900 to Ginter et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached on Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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